HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 7891 of 2004

Dated 28th August, 2007

Between
Kum.Sreelatha Dalai

…Petitioner

and

The Convenor, EAMCET-2003, NTR University of Health Sciences, Vijayawada, and, ors

…Respondents.

HONOURABLE SRI JUSTICKE R.SUBHASH REDDY

WRIT PETITION No. 7891 of 2004

ORDER:

The petitioner is a student of MBBS course, studying in third respondent-Medical College. This Writ Petition was filed in the year 2004, seeking Writ of Mandamus to declare the action of the respondents in not permitting her to attend the classes of first year MBBS course as illegal and arbitrary.

The petitioner is a native of Kokkili Pottuga village in Kanchili Mandal of Srikakulam District. After completing the intermediate course, she appeared for EAMCET-2003 and secured rank of 5971. She applied for admission to MBBS course in the Scheduled Tribe category. It is her case that she belongs to 'Bentho Oriya', which is recognized as Scheduled Tribe in the SC and ST Order. It is stated that in the school records, entries were made to the effect that she belonged to community of Bentho Oriya. It is further stated that while

she was seeking admission to MBBS course, she applied for fresh community certificate under the provisions of the A.P. (SC,ST and BCs) Regulation of issue of Caste Certificates Act, 1993 (Act 16 of 1993). While enquiry was pending for grant of caste certificate, the Revenue Divisional Officer, Tekkali, endorsed for provisional admission as per Rule 19 of the AP (SC, ST, and BCs) Regulation of Issue of Community Certificates Rules 1997. Based on the said endorsement, the petitioner was granted admission. However, it is her grievance that in spite of admission to the course, the respondents are not allowing her to attend the classes on the ground that regular caste certificate was not produced.

At the stage of admission, this Court by order dated 26-4-2004, granted directions, directing the respondents to permit the petitioner to attend the classes. It is submitted by the learned Counsel for the petitioner that in view of the interim order of this Court, the petitioner was permitted to attend the classes and now she is pursuing final year MBBS course.

Though Writ Petition is of the year 2004, no counter affidavit is filed on behalf of the respondents.

It is submitted by the learned Counsel for the petitioner that admission was granted based on the endorsement dated 19-12-2003 made by the Revenue Divisional Officer, Tekkali, and the petitioner is now pursuing final year MBBS course. As much as the petitioner was admitted to MBBS course based on the valid endorsement made by the Revenue Divisional Officer on 19-12-2003, there appears no reason for not allowing the petitioner to attend the classes. In that view of the matter, I dispose of the Writ Petition, directing the respondents to allow the petitioner to complete the course and issue necessary certificates of the said course after completion of the same, as per the academic regulations. It is made clear that with regard to her claim for reservation in the category of ST for future studies and employment,

the same will be subject to final orders to be passed in the enquiry with regard to her caste status.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 28-8-2007
Msnr.